



## NO-SMOKING HOUSING POLICY

### Purpose

The purpose of this standard operating procedure is to establish guidelines for promoting and enforcing the non-smoking policy for public housing communities. The policy is designed to eliminate the health and environmental risks in public housing that are associated with smoking.

### Introduction

On December 5, 2016, the US Department of Housing and Urban Development published a final rule requiring each public housing agency administering public housing to implement a smoke-free policy banning the use of prohibited tobacco products in all public housing living units, indoor common areas, community centers, day care centers, laundry centers, and similar structures in public housing and in Housing Authority administrative office buildings.

### Background

According to the American Lung Association, cigarette smoking is the number one cause of preventable disease in the United States. The elderly and young populations, as well as people with chronic illnesses, are especially vulnerable to the adverse effects of smoking. In 2006, the U.S. Department of Health and Human Services published *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. The report defines secondhand smoke; in the past referred to as environmental tobacco smoke (ETS), as smoke composed of side-stream smoke (the smoke released from the burning end of a cigarette) and exhaled mainstream smoke (the smoke exhaled by the smoker). The report issued major conclusions based on scientific data, including the following:

- The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.
- Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.

Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, the Housing Authority of the City of Pittston (PHA), has determined that for the benefit and well-being of the residents, guests, employees and all who visit Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped facilities effective August 1, 2018 smoking will be prohibited.



Copies of this policy shall be distributed to all current leaseholders, tenants, residents, new residents, applicants, and employees.

### **Housing Authority of the City of Pittston Locations:**

***Panama Street***

***Riverview Manor***

***Winter Street***

***Apollo Apartments***

***Infantino Towers***

### **Smoking shall not be permitted:**

- By any person including current residents, new residents, tenants, their guests, their agents or their employees inside any building which is part of the Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped.
- In any individual apartment units or balconies or patios, which are a part of those units.
- In common areas within any building including but not limited to entryways, hallways, restrooms, laundry rooms and all openings to any housing property, including window and door openings or within 25 feet of those window or door openings and twenty-five feet away from any exterior walls.
- In all other outside areas of the properties, stairways, yards, playground areas.

### **Smoking shall be permitted only:**

Twenty five (25) feet away from all entryways, exterior building walls, and all openings to any housing property including window and door openings.

### **Definitions**

The term "smoking" means inhaling, exhaling, breathing, burning, carrying, or possessing any lighted cigar, cigarette, pipe, other tobacco product(s), or similarly lighted smoking material in any manner or in any form including all Electronic Nicotine Delivery Systems (ENDS).

The terms "leaseholder" "resident and "tenant" shall refer to any and all person(s) who have signed a lease agreement leasing a housing unit from Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped.

### **Rules and Regulations**

All leaseholders, residents and tenants of housing units of Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped, live in residents, occupants of those housing units and their guests, agents, employees, and invitees must abide by the following rules and regulations:

individual apartment or housing units, balconies and patios attached or a part of those housing units and including but not limited to all common areas such as entryways, hallways, restrooms, laundry rooms, and all openings to the building including window and door openings.

2. **Prohibition of Smoking in Most Areas Outside Buildings.** Smoking shall be prohibited in all other outside areas of Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped to include but not be limited to stairways, landings, yards, playground areas, and within 25 feet of any openings to any building on those properties (e.g., windows and doors, exterior walls).

3. **Phase In of Policy.**

a. Effective on August 1, 2018, all leaseholders, residents and tenants of apartment or housing units in Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped and their live-in residents, occupant's guests, invitees, agents, and employees, will be prohibited from smoking anywhere in or outside the building or unit which they occupy or reside, except for twenty-five (25) feet from all openings to the building including windows, doors and exterior walls. Enforcement procedures in effect at that time will consist of verbal and written cease-and-desist requests made to the leaseholder, resident or tenant deemed responsible for that violation.

b. Effective August 1, 2018, enforcement procedures will include formal notices of violation and notices of lease termination and eviction. That is, violation of the no- smoking policy by the leaseholder, resident or tenant or by any of his or her guests, live-in residents, invitees, agents or employees may be treated as a material breach of the tenant's lease agreement and enforced in accordance with the notice and termination procedures that apply to the lease or rental agreement of the particular leaseholder, resident or tenant who have themselves violated or who are responsible for those who have violated the no-smoking policy.

4. **Proper Disposal of Cigarette Butts & Smoking Material.** Cigarette butts and all smoking material must be disposed of in a neat and safe manner. No person may throw cigarette butts or other smoking material on the ground.

5. **Compliance by Leaseholders/Resident's Guests.** Leaseholders, residents and tenants are responsible for ensuring that all other live-in residents, guests, invitees, agents and employees of the housing unit for which the leaseholder, resident or tenant is responsible are made aware of and comply with this policy.

**Lease Violation.** The leaseholder(s), resident(s) and tenant(s) are responsible for the actions of his/her or their live in residents, occupants, guests, invitees, agents and employees. Failure to comply with any of the rules or regulations contained in this policy may be considered a material lease violation as set forth at paragraph 3 above and subject to leaseholder(s), resident(s) and tenant(s) to all leasehold remedies including, but not limited to lease termination, eviction and damages which may include the cost to clean items discolored and/or which contain the odor of smoke including, but not limited to carpets, drapes, and walls, or the cost to repair burn marks and remove cigarette butts or residue.

7. **Complaints.** If leaseholder or resident witnesses someone smoking or smells tobacco smoke in any place within the interior of Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped, or witnesses someone smoking on the grounds, the leaseholder or resident should report the violation or the odor to the PHA offices in writing as soon as possible.
8. **Investigations.** The PHA office receiving a complaint will seek the specific source of the tobacco smoke and will take appropriate enforcement action, consistent with paragraph 3 above as soon as possible.
9. **Communication of Policy.** This policy shall be communicated by PHA to all current leaseholders and residents Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped Developments and employees of the Housing Authority of the City of Pittston, prior to its effective date, and at the time of employment for all new employees, and prior to admission and/or prior to the signing of a lease for any new leaseholder or resident.
  - a. New leaseholders shall be given two (2) copies of the policy. After review, the leaseholder must sign one copy and return the executed copy to the PHA offices prior to moving in. The PHA staff shall place the signed copy in the leaseholder's file.
  - b. Upon adoption of the policy, all persons whose names are on a lease of a housing unit at Panama Street, Riverview Manor, Winter Street family units and Apollo Apartments and Infantino Towers for the elderly/handicapped, shall be given two copies of the policy by the property manager. After review, all such persons must sign one copy and return the executed copy to the PHA offices within ten (10) days. The PHA staff shall place the signed copy in the leaseholder/resident/tenant's file. In the event that any such person fails or refuses to sign his or her confirmation that he or she has read, understood and agrees to comply with the provisions of this PHA no-smoking policy, the Housing Authority will nevertheless be entitled to assume and understand that every such leaseholder read, understood and agreed to comply with this no-smoking policy.
10. **Effective Date.** The effective date of this policy shall be August 1, 2018.
11. If any provision of this policy is invalid or unenforceable under applicable law, such provision shall be amended to comply with such law. The reformation of any provision of this policy shall not invalidate this policy or any lease agreement into which this policy is incorporated. An invalid provision that cannot be reformed shall be severed and the remaining portions of this policy shall be enforced.

Signature of Head of Household (Leaseholder) \_\_\_\_\_

Signature of Co-Head \_\_\_\_\_

Date: \_\_\_\_\_